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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,309	03/30/2004	Ehud Mendelson	REL-8149 D2	5159

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LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
LOUIS JACQUES, JACQUES H	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,309	MENDELSON ET AL.	
	Examiner	Art Unit	
	Jacques H. Louis-Jacques	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Betters et al [6,732,027].

Betters '027 discloses a system and method of analyzing operational source data, i.e., a method and system for transmitting and recording data from an aircraft and alerting with a wireless. According to Betters et al, there is provided capturing and generating data of an event or condition of the aircraft in real time (abstract); and transmitting data to a ground control facility in real the time (abstract). See also figures 1-3. Betters et al also discloses determining a normal threshold for the data; and generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time (figure 4). Furthermore, Betters et al discloses that the ground controls facility is connected in a wireless network environment (figures 2 and 6). According to Betters et al, there is provided alerting ground staff if the normal threshold for the data is violated (figures 3 and 6). In addition, there is provided, according to Betters et al, monitoring the data by ground staff in real time; and analyzing the data for an occurrence of any abnormal event

or condition (figures 2, 5 and 6). In figure, Betters et al describes a plurality of methods from capturing the data including video data, audio data and fight data. Betters et al discloses determining a normal threshold for the data, generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time, and animating a control instrument panel in response to the alert signal. See column 2, lines 51-66, column 4, lines 16-21, and column 13, lines1-12.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe [6,545,601].

Monroe '601 discloses a ground based security surveillance system fir aircraft and other commercial vehicles, i.e., a method and system for transmitting and recording data from an aircraft and alerting with a wireless. According to Monroe, there is provided capturing and generating data of an event or condition of the aircraft in real time (abstract); and transmitting data to a ground control facility in real the time (abstract). See also figures 2a, 2b, 3a, 3b, 4a and 4b, and particular columns 2-3. Monroe also discloses determining a normal threshold for the data; and generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time (column 8). Furthermore, Monroe discloses that the ground controls facility is connected in a wireless network environment (figures 4a, 4b, 12a-12c and columns 2-3). According to Monroe, there is provided alerting ground staff if the normal threshold for the data is violated (column 8). In addition, there is provided, according to Monroe, monitoring the data by ground staff in real time; and analyzing the data for an occurrence of any abnormal event or condition

(columns 2-5). Monroe describes a plurality of methods from capturing the data including video data, audio data and fight data (figure 13 and column 2). Monroe further discloses utilizing the data to prevent disasters (i.e., sabotage, terrorism). See columns 2, 4. Monroe further discloses providing an early warning alert when a change in normal flight parameters occurs; transmitting flight data and flight voice recorder data, the flight voice recorder data being transmitted only when the normal flight parameters are outside an given range; and analyzing on-line, the flight data and the flight voice recorder data, crises or flight operational quality for assurance (columns 6-8, 17 and figure 6). Monroe also discloses transmitting instructions to a vehicle auto-control system for allowing remote operation of the vehicle (columns 6-7). In column 1, for example, Monroe discloses transmitting at least one of data and voice recorder information from a vehicle selected from the group consisting of aircraft, trains, buses, ships, trucks and military aircraft. Furthermore, Monroe discloses, in columns 6-7, transmitting the data from an aircraft flight data recorder to at least one of said ground based computer, an airline, and federal personal of a government agency on-line and live, the data being analyzed even while the aircraft still in flight. Also, Monroe discloses backing up the data generated by an on-board aircraft transponder by providing each aircraft with an unique Internet protocol address that together with the data collected on-line from the black-boxes will serve as a backup ID for the data generated by the transponder (columns 5-6) and providing the vehicle with voice over Internet Protocol for allowing air to ground communication telephony and Internet communication (column 5). Moreover, Monroe discloses backing up existing communication with the vehicle, the vehicle functioning as

a node of an Internet Protocol network providing an individual ID, location, voice data and the data for early warning analysis and operational quality assurance analysis (columns 5-6). Monroe also discloses determining a normal threshold for the data, generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time, and animating a control instrument panel in response to the alert signal. See columns 4, 7 and 8.

Response to Amendments & Arguments

4. The amendments along with the arguments filed therewith on April 20, 2005 (CoM 04/18/05) have been entered and carefully considered by the examiner.

In particular, Applicant has amended claim 1 to include the limitations that data of an event or condition of the aircraft are captured and generated in real time "*from existing aircraft systems normally recorded in aircraft black boxes*" and the data are transmitted to a ground control facility in real time "*as the event or condition occurs on the aircraft*". Emphasis added. New claim 17 has been added.

According to Applicant, the data to be analyzed [in the Betters' reference] is collected from aircraft operational sources at periodic intervals, referring to column 12, lines 46-49. Applicant then asserted, "the data is not collected from the aircraft in real-time". See response at page 8 of 14. According to Applicant, the data [in the Betters' system] is downloaded and stored on a server after the flight. See page 9 of 14.

The examiner disagrees.

First, the examiner acknowledges that Betters discloses receiving the aircraft removal data from "X Airlines" from their CMC's every other day on a fleet of 6 aircraft as noted by Applicant. However, this is one example. In fact, the data is collected prior to being received by the server.

In particular, in column 1, Betters et al discloses, "in an aircraft operation (i.e., in flight), multiple aircraft systems are constantly monitored by flight data acquisition systems to acquire maintenance-related information." Emphasis added. Such monitored aircraft systems, according to Betters et al, include "onboard maintenance" systems. As these aircraft systems are monitored, aircraft data associated therewith, often referred to as "removal or component data" can be readily collected via a variety of data transfer techniques, including but not limited to, Flight Data Recorders (FDRs). Emphasis added. See column 1, lines 46-63.

According further to Betters et al, as described in column 2, the contents of the aircraft data associated with a particular component of the aircraft must be examined and a maintenance decision for that particular component of the aircraft is derived. Betters et al recognizes that management and analysis of maintenance-related information [of the prior art systems] for "real-time" trending and reporting performance data from one of more sub-systems or components can be difficult (column 2, lines 25-28). Therefore, Betters et al provide more proactive maintenance analysis and real-time reporting of maintenance decision support information, in a manner without compromising accuracy.

Thus, Betters et al, contrary to Applicant's assertion, discloses capturing an generating data of an event or condition of the aircraft *in real time from existing aircraft systems*

normally recorder in aircraft black boxes and transmitting the data to a ground control facility *in real time as the event or condition occurs on the aircraft.* It is the consumer retrieval of the information that is performed "periodically", not the capturing and generation of the data itself.

Applicant also argued that Betters et al does not teach, "animating a control instrument panel in response to the alert signal." Again, the examiner disagrees.

Betters et al discloses, in addition to capturing and generating data in real time, automatically activating a dynamic trigger to indicate a maintenance alert when a threshold is crossed. Associated with the maintenance alert, according to Betters et al, is a notification having a status level indicative of a maintenance condition for at least one operational source. See column 2, lines 60-66; column 4, lines 16-21; and column 13, lines1-12.

Furthermore, it should be noted that Betters et al discloses the condition while the aircraft is in a flight as described in column 14, lines 3-13. It is not until after the data is captured and generated in real time that the aircraft removal data is provided in a customized customer informational report. See lines 14-23 of column 14.

As to the Monroe reference, Applicant acknowledges, "Monroe does teach real time feedback in which the placed cameras and communication recorders can provide real time feedback for analysis and real time awareness." Applicant also recognizes that "Monroe further teaches alerting ground personal and coordinating the emergency response personal to assist in an emergency situation due to the live video and audio feed." See response at page 11 of 14.

However, according to Applicant, "Monroe is not believed to teach transmitting all operational data normally stored in the aircraft black boxes and if necessary simulate the situation in the cockpit to a ground controller to assist in emergency situations." According to Applicant, "In Monroe security situations are monitored in real-time and may be watched, but nowhere is Monroe believed to teach animating the information." See response at page 12 of 14. In summary, according to Applicant, Monroe teaches adding a significant amount of sensors to the aircraft and sending this information to a ground stations. In contrast, the invention of the instant application teaches transmitting information normally stored in the black boxes. Emphasis added.

The examiner agrees with Applicant that Monroe does teach capturing and generating data in real-time and alerting ground personnel.

As to the "sensors added by Monroe", it should be noted that the system of Monroe monitors the aircraft not only form sensors, cameras, or motion detectors, but also from pre-existing aircraft systems, such as black boxes. See abstract, figures 13-14, and column 3, lines 14-25 and column5; column 6, lines 64-67. In addition, Monroe discloses that the data can be transmitted from a "black box" while the aircraft is in flight or en route. See columns 1 and 3.

As to the animating a control instrument panel in response to the alert signal" as argued by Applicant, Monroe discloses a "live" display in response to an alert signal (i.e., a breach). See column 4. Also, Monroe discloses providing or generating command signals such as "lights-on" or alarm (e.g., siren) activation and the like. Furthermore, Monroe discloses that audio, text, and graphic communications may be utilized to inform the

selected personnel of the condition and location. See column 7. In column 8, Monroe provides an example of "potential bomb blast" or "potential automatic weapon" and provides acoustic signatures of these types of events.

With respect to newly added claim 17, it has been shown that both Betters et al and Monroe disclose animating a control instrument panel in response to the alert signal."

In light of the above, the claims remain rejected and this office action made final.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj